

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LA CLINICA DE LA RAZA, et al.,

Plaintiffs,

v.

JOSEPH R. BIDEN, et al.,

Defendants.

Case No. 19-cv-4980-PJH

ORDER RE STATUS REPORT

The parties in the above-captioned case have filed a status report regarding a presidential executive order issued on February 2, 2021. The executive order gives the Secretary of Homeland Security until April 3, 2021 to “report any appropriate agency actions that can be taken, or have been taken, to address concerns about the current public charge policies’ effect on the integrity of the nation’s immigration system and public health.”

Pursuant to the executive order, the Department of Homeland Security is “currently reviewing the rule that is the subject of this lawsuit” and “will promptly notify the court of any decisions arising from that review that may impact this litigation.”

Plaintiffs state that “unless and until defendants’ actions obviate the need to affirmatively pursue relief from the public charge rule,” they intend to file a summary judgment motion on the issue of whether “Kevin McAleenan was invalidly serving as Acting Secretary of the Department of Homeland Security and therefore lacked authority to issue the public charge rule.” The parties have proposed a briefing schedule for that motion, and “have intentionally structured this schedule so that briefing will not be

1 complete until after the conclusion of the review process arising out of the executive
2 order described above, so that the parties can inform the court of any agency decisions
3 that may impact this litigation before the court expends resources deciding the summary
4 judgment motion.”

5 The court adopts the parties’ proposed briefing schedule, as follows:

6 MSJ due: **March 8, 2021**

7 Opposition due: **April 9, 2021**

8 Reply due: **April 23, 2021**

9 The court also directs the parties to file a status report regarding defendants’
10 review of the public charge rule no later than **April 5, 2021**. Defendants are also directed
11 to file status reports in the two related cases, Case No. 19-4717 (City and County of San
12 Francisco v. U.S. Citizenship and Immigration Services) and Case No. 19-4975
13 (California v. U.S. Department of Homeland Security), no later than **April 5, 2021**.

14 **IT IS SO ORDERED.**

15 Dated: February 22, 2021

16 /s/ Phyllis J. Hamilton

17 PHYLLIS J. HAMILTON
18 United States District Judge
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